

### REMARKS

Claims 1-22 are pending in this application, with claims 1 and 13 being independent. Claims 1-22 have been amended to define still more clearly what Applicants regard as the invention.

At paragraphs 3-6 of the Office Action, the drawings were objected to for the reasons given. The amendments to the specification presented herein address these issues. It is submitted that no new matter has been added. Specifically, Applicant notes with respect to the changes to page 9, lines 1-6, that valve 33 is shown in Figs. 1-4 as originally filed. Furthermore, Applicant notes with respect to the changes to page 9, lines 27-35, that valve 41 is shown in Fig. 3 as originally filed. Withdrawal of this objection is respectfully requested.

At paragraph 7 of the Office Action, the specification was objected to for the reasons given. Applicant has amended the specification to remove the references to the claims. It is noted that at page 2, line 31, the added text was previously recited in originally filed claims 2-12; and at page 3, line 1, the added text was previously recited in originally filed claims 14-22. Accordingly, it is submitted that no new matter has been added by these changes, and withdrawal of the objection to the specification is respectfully requested.

At paragraphs 8-15 of the Office Action, claims 6-8 and 15-22 were objected to for the reasons given. These claims have been corrected.<sup>1</sup> Accordingly, withdrawal of this objection is respectfully requested.

Claims 5, 7, 8, 15, and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The claims have been carefully reviewed and amended as deemed necessary

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<sup>1</sup>Applicant was unable to find the claim recitations referred to by the Examiner in paragraphs 13-15, but nevertheless believes that all of the claims have been corrected.

to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in paragraphs 17-19 of the Office Action. It is believed that the rejection under Section 112, second paragraph, has been obviated, and its withdrawal is therefore respectfully requested.

Claims 1-8 and 10-22 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patent No. 1,965,866 to Tolman in view of European Document EP 1179682 A2 (hereinafter '682) and U.S. Patent No. 6,974,279 to Morohashi; and claim 9, as being obvious from Tolman in view of '682 and Morohashi, and further in view of JP 9301504 (hereinafter '504).

Applicants submit that independent claims 1 and 13, together with the claims dependent therefrom, are patentably distinct from the cited references for at least the following reasons.

Tolman does not disclose a method and apparatus for conveying material according to the present invention, but, rather, a special steam jet air exhauster operating conveyor. In Tolman, only one actuating medium is used; a second medium is not brought to the ejector apparatus, as in claims 1 and 13, and a second medium does not intensify the suction effect of the ejector.

'682, as understood by Applicant, relates to an ejector. In '682 it is mentioned that a cleaning liquid is introduced to the ejector. By the arrangement of '682, it is possible to avoid solid material from being deposited to an outer surface of the nozzle portion 2. In '682, a second medium does not intensify the suction effect of the ejector, as recited in amended claims 1 and 13.

Morohashi is understood to relate to an ejector, a fine solid piece recovery apparatus, and a fluid conveyor. Morohashi does not show that a second medium is liquid or liquid and gas, as in claims 1 and 13.

It would not have been obvious for a person having ordinary skill in the art to reach the claimed invention on the basis of Tolman in view of '682 and Morohashi.

The solution according to the claimed invention can have a number of significant advantages. By supplementing the method or apparatus with feeding a second medium to the ejector device, suction can be intensified. By bringing a second medium along with the actuating medium and, if required, by using the pressure of the actuating medium for bringing and/or feeding the second medium to the ejector space, an extremely advantageous and efficient solution can be achieved.

When utilizing a material of greater density, such as liquid, and advantageously water, the suction effect may be intensified. On the other hand, the suction effect may be further improved by bringing a second medium, even though the actuating medium is a liquid or a mixture of liquid and gas. When utilizing liquid as the actuating medium and/or at least as the second medium, the gas flow may be "washed" by spraying it and thus possible particle and odor nuisances can be eliminated.

Further advantages are described in the present specification, e.g., at pages 3 and 4.

For at least the foregoing reasons, independent claims 1 and 13, and the claims dependent therefrom, are seen to be clearly allowable over the cited references.

Also in the Office Action, claims 1-10, 12-14, 21, and 22 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-13, and 19-22 of copending Application No. 10/591,301.

It is noted that the provisional double patenting rejection is not the only rejection remaining in either of these two applications. Accordingly, Applicant will address this issue at the appropriate time.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Respectfully Submitted

A handwritten signature in dark ink, appearing to read 'John Richards', is written over a horizontal line.

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